

MAGISTRATE JUDGE J. KELLEY ARNOLD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	NO. 06-5082M
)	
Plaintiff,)	
)	ORDER GRANTING UNOPPOSED
vs.)	MOTION TO CONTINUE TRIAL
)	DATE
ALVIN STEVE PENN,)	
)	
Defendant.)	
_____)	

Based on the unopposed motion of the defendant to continue the trial date, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(i).

3. The defense needs additional time to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(8)(B)(ii).

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1 4. Taking into account the exercise of due diligence, a continuance is necessary
2 to allow the defendant the reasonable time for effective preparation of his defense.
3 18 U.S.C. § 3161(h)(8)(B)(iv).

4 NOW, THEREFORE,

5 IT IS HEREBY ORDERED that the trial date is continued from July 31, 2006,
6 to October 2, 2006. The resulting period of delay from July 31, 2006 to October 2,
7 2006, is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(8)(A) and
8 (B).

9 DONE this 18th day of July, 2006.

10
11
12 s/ J. Kelley Arnold

13 J. KELLEY ARNOLD
14 UNITED STATES MAGISTRATE JUDGE

15 Presented By:

16
17 /s/
18 Linda R. Sullivan
19 Attorney for Defendant
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